



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,562	10/12/2001	Toshiyuki Sashihara	P/3236-34	1448

32172 7590 07/19/2005

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
41 ST FL.
NEW YORK, NY 10036-2714

EXAMINER

HARVEY, DIONNE

ART UNIT PAPER NUMBER

2646

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,562

Applicant(s)

SASHIHARA ET AL.

Examiner

Dionne N. Harvey

Art Unit

2646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/25/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 and 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 4-7 of both, claims 2 and 6, recite that the first radio-relay station is connected to the second first radio-relay station as a parent station i.e., the first radio relay station operates as the parent station, while the second first radio-relay station operates as the child station. The claim goes on the recite that the second i.e., "child" station assigns a network address to the first i.e., "parent" station.

According to the Applicant's specification (for example, see *page 16, lines 16-17 OR see page 17, lines 4-5*) the "parent" station assigns the network address to the "child" station. Therefore, the invention as claimed, fails to describe that invention which is set forth in the Applicant's specification.

Claims 3-4 and 7-9 are rejected under 35 U.S.C. 112 second paragraph, due to their dependency upon rejected base claims 2 and 6, respectively.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by **McAlinden (US 5,946,633)**.

Regarding claim 1, McAlinden teaches a wireless network system comprising:

a first radio-relay terminating station **102**;

a first radio-relay station **114** being connected to said first radio-relay terminating station **102** in a wireless manner (**see column 2, lines 49-52 wherein McAlinden teaches that the telephone line connection between 102 and 114 may be replaced with a microwave relay**);

a wireless terminal **108** being connected to said first radio-relay station **114** in a wireless manner; and

in column 2, lines 56-58, McAlinden teaches that the said first radio-relay terminating station **102** preserves a plurality of network addresses (**MINs**) to be assigned to said first radio-relay station **114** and to said wireless terminal **108**,

in column 2, lines 55-58, McAlinden teaches assigning secondary network addresses. It is well understood in the art that the system of McAlinden first assigns primary network addresses (**MINs**) and channels of communications (**see column 4, lines 30-35**), thereby reading on “the first radio-relay terminating station assigns a first

Art Unit: 2646

network address belonging to said plurality of network addresses to said first radio-relay station and collectively feeds a first address pool making up a part of said plurality of network addresses to the first radio-relay station ”,

And in **column 3, lines 28-32**, when more bandwidth is required, McAlinden teaches a step of assigning a second network address belonging to said address pool to said wireless terminal **108** being connected to said first radio-relay station **114** in a wireless manner, reading on, “said first radio-relay station preserves said first address pool and assigns a second network address belonging to said first address pool to said wireless terminal”.

Regarding claim 2, **as best understood with regard to the U.S.C. 112, second paragraph rejection above**, McAlinden appears to teach a wireless network system further comprising a second radio-relay station, wherein said second radio-relay station preserves a second address pool being different from said first address pool and wherein, when said first radio-relay station is connected said second radio-relay station as a parent station, said second radio-relay station assigns a third network address belonging to said second address pool to said first radio-relay station.

Regarding claim 3, **as best understood with regard to the U.S.C. 112, second paragraph rejection above**, McAlinden appears to teach that said second radio-relay station is connected to said first radio-relay terminating station, said second address pool makes up of a part of said plurality of network addresses and said first address pool is not updated and said second network address is not updated.

Regarding claim 4, **as best understood with regard to the U.S.C. 112, second paragraph rejection above**, McAlinden appears to teach that the wireless network system further comprises a second radio-relay terminating station which preserves a second plurality of network addresses being different from said plurality of network addresses and wherein, when said second radio-relay station is connected to said second radio-relay terminating station, said first address pool is updated to become still a third address pool making up a part of said other plurality of network addresses and said second network address is updated to become a fourth network address belonging to said third address pool.

Regarding claim 5, McAlinden teaches a network address assigning method for assigning a network address to a first radio-relay station **108** and a wireless terminal **via 104** in a wireless network system made up of a first radio-relay terminating station **102**, said first radio-relay station, and said wireless terminal, said method comprising:

a step of feeding a plurality of network addresses to said first radio-relay terminating station **102** such that station **102** is able to reserve network addresses **(MINs)** as required by the system;

in column 2, lines 55-58, McAlinden teaches assigning secondary network addresses. It is well understood in the art that the system of McAlinden first assigns primary network addresses **(MINs)** and channels of communications (see **column 4, lines 30-35**), thereby reading on "a step of assigning a first network address belonging to said plurality of network addresses to said first radio-relay station **114** being connected to said first radio-relay terminating station **102** in a wireless manner";

Column 2, lines 58-65, teaches that first radio-relay station **114** obtains a secondary set of network addresses from first radio-relay terminating station **102**. It is well understood in the art that, in addition to obtaining a secondary set of network addresses, the first radio-relay station **114** first obtains a primary set of network addresses from radio relay station **102** for use before an increased bandwidth is required, which reads on “notifying said first radio-relay station being connected to said first radio-relay terminating station in said wireless manner of an address pool making up part of said plurality of network addresses”;

And in **column 3, lines 28-32**, when more bandwidth is required, **McAlinden** teaches a step of assigning a second network address belonging to said address pool to said wireless terminal **108** being connected to said first radio-relay station **114** in a wireless manner.

Regarding claim 6, **as best understood with regard to the U.S.C. 112, second paragraph rejection above**, **McAlinden** appears to teach a network address assigning method, wherein said wireless network system includes a second radio-relay station having a second address pool being different from said first address pool and wherein, when said first radio-relay station is connected to said second radio-relay station as a parent station, a third network address belonging to said second address pool is assigned to said first radio-relay station.

Regarding claim 7, **as best understood with regard to the U.S.C. 112, second paragraph rejection above**, **McAlinden** appears to teach that when said second radio-relay station is connected to said radio-relay terminating station, said second address

pool makes up said plurality of network addresses and said first address pool is not updated and said second network address is not updated.

Regarding claim 8, **as best understood with regard to the U.S.C. 112, second paragraph rejection above**, McAlinden appears to teach that said wireless network system includes a second radio-relay terminating station and wherein, when said second radio-relay station is connected to said second radio-relay terminating station, said network address assigning method comprises:

- a step of feeding a second plurality of network addresses being different from said plurality of network addresses to said second radio-relay terminating station;

- a step of notifying said second radio-relay station of a fourth address pool making up a part of said other plurality of network addresses;

- a step of notifying said first radio-relay station of a third address pool making up another part of said other plurality of network addresses via said second radio-relay station as a parent station;

- and a step of assigning a fourth network address belonging to said third address pool to said wireless terminal.

Regarding claim 9, **as best understood with regard to the U.S.C. 112, second paragraph rejection above**, McAlinden appears to teach that each of said network addresses contain a value corresponding to one of the radio-relay terminating station and wherein, when said value belonging to said first network address is different from said value belonging to said third network address, still said third address pool is notified.

Response to Arguments

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

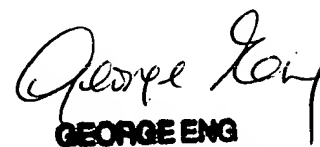
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 703-305-1111. The examiner can normally be reached on 9-6:30 M-F and alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dionne Harvey


GEORGE ENG
PRIMARY EXAMINER